



Crl.O.P.(MD)No.19841 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).No.19841 of 2025

and

CRL.MP(MD). No.16669 of 2025

Selvakumar

... Petitioner

-Vs-

State of Tamilnadu Rep by
The Inspector of Police,
NIB - CID,
Dindigul District.
(Crime No.11/2023).

... Respondent / Defacto Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.16 of 2025 pending on the file of the Principal Court of EC and NDPS Act Cases, Madurai and quash the same against the petitioner.

For Petitioner : Mr.Dhilipan Pandian.R.L
Advocate

For Respondent : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This petition has been filed to quash the final report in C.C.No.16 of 2025 pending on the file of the Principal Court of EC and NDPS Act Cases, Madurai, filed for the offences punishable under Sections 8(c), 20(b)(ii)(B) and 29(1) of Narcotic Drugs and Psychotropic Substances Act, 1985 [in short 'the NDPS Act'].

2. The petitioner is arrayed as A4. The The gist of the allegation in the impugned final report is that on 14.07.2023 at about 9.00 AM, the petitioner along with the other accused were found in possession of 1.5 kilograms of Kanja; that the petitioner had fled away from the scene of occurrence on seeing the Police party and thus committed the aforesaid offences.

3. The learned counsel for the petitioner would submit that the petitioner was aged 19 years at the time of occurrence; that the averment against the petitioner that he fled from the scene of occurrence is highly improbable, as the respondent, who was able to apprehend three other accused, could have apprehended the petitioner as well; that the petitioner was not present in the scene of the occurrence; that the petitioner was not aware of the pendency of



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the case; that the petitioner has no bad antecedents; that the only material now available with the respondent is the confession of the co-accused to the effect that the contraband that was seized from A2 and A3 was meant for sale to the petitioner; and that therefore, in the light of such material, the chances of conviction are bleak and subjecting the petitioner to prosecution would be a futile exercise.

4. The learned Additional Public Prosecutor, fairly would submit that the petitioner was not arrested; that the only material available to implicate the petitioner is the confession of the co-accused; that the petitioner was shown as an absconding accused in the final report; that the petitioner was also granted anticipatory bail by this Court in Crl.O.P(MD) No.19252 of 2025 by order dated 03.11.2025.

5. It is stated in the FIR that the petitioner had fled from the occurrence. The only material available against the petitioner is confession of the co-accused. The respondent had not chosen to arrest the petitioner, although they claimed that they were aware of the petitioner's involvement on the basis of the confession of the co-accused. The petitioner had also obtained anticipatory bail. Admittedly, the petitioner has no bad antecedents and he was aged 19



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years at the time of occurrence. Considering the above facts and the fact that the only material available against the petitioner is the confession of the co-accused and the chances of conviction therefore are bleak, this Court is of the view that it would be a futile exercise to allow the prosecution to continue in so far as the petitioner is concerned. Hence, this Court is inclined to quash the proceedings in C.C.No.16 of 2025 pending on the file of the Principal Court of EC and NDPS Act Cases, Madurai.

6. Accordingly, the impugned final report as against the petitioner is quashed and the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

11.11.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No

Indu/ars



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To

1. The Inspector of Police,
NIB - CID,
Dindigul District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Indu/ars

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